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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
USA COMMERCIAL MORTGAGE COMPANY,  
Debtor.

Case No. BK-S-06-10725 LBR  
Case No. BK-S-06-10726 LBR  
Case No. BK-S-06-10727 LBR  
Case No. BK-S-06-10728 LBR  
Case No. BK-S-06-10729 LBR

In re:  
USA CAPITAL REALTY ADVISORS, LLC,  
Debtor.

Chapter 11  
Jointly Administered Under  
Case No. BK-S-06-10725 LBR

In re:  
USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,  
Debtor.

Bankruptcy Appellate Panel

In re:  
USA CAPITAL FIRST TRUST DEED FUND, LLC,  
Debtor.

No. \_\_\_\_\_

In re:  
USA SECURITIES, LLC  
Debtor.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Co.
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed
- ☒ USA First Trust Deed Fund, LLC

**APPELLANT'S DESIGNATION OF CONTENTS FOR INCLUSION IN  
RECORD ON APPEAL AND STATEMENT OF ISSUES ON APPEAL**

COMES NOW STANDARD PROPERTY DEVELOPMENT, LLC ("SPD"), the Movant herein, and the Appellant on appeal from the Order dated October 30, 2006 (the "Order"), on SPD's MOTION FOR RELIEF FROM AUTOMATIC STAY ("the Motion") and in accordance with F.R.B.P. 8006 and 9<sup>th</sup> Cir. BAP R. 8006-1, files this its Designation of Contents for Inclusion In Record on Appeal and Statement of Issues on Appeal as follows:

**I. DESIGNATION OF RECORD**

SPD hereby designates the following matters to be included in the record on appeal:

<b><u>Item</u></b>	<b><u>Docket Number</u></b>	<b><u>Date Filed</u></b>	<b><u>Pleading</u></b>
1	863	07/12/2006	Motion For Relief From Stay Property, with Certificate of Service - filed on behalf of Rolland P. Weddell, Spectrum Financial Group - Litigation Pending In U.S. District Court, District of Nevada
2	903	07/19/2006	Motion for Relief from Stay Property, with Certificate of Service - filed on behalf of Standard Property Development, LLC re: Property located in Orange County, Florida

<u>Item</u>	<u>Docket Number</u>	<u>Date Filed</u>	<u>Pleading</u>
3	904	07/19/2006	Affidavit George Venturella In Support of Standard Development Property, LLC's Motion for Relief From the Automatic Stay - filed on behalf of Standard Property Development, LLC
4	1111	08/04/2006	Opposition - filed on behalf of Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC, re: #903 - Motion for Relief from Stay, filed by Creditor Standard Property Development, LLC
5	1112	08/04/2006	Opposition To Standard Property Development's Motion For Relief From Automatic Stay [Affects USA Commercial Mortgage Company And USA Capital First Trust Deed Fund] - filed on behalf of USA Capital First Trust Deed Fund, LLC, USA Commercial Mortgage Company, re: #903 - Motion for Relief from Stay, filed by Creditor Standard Property Development, LLC
6	1117	08/04/2006	Omnibus Joinder - filed on behalf of Official Committee of Unsecured Creditors For USA Commercial Mortgage Company, re: #1112 Opposition, and #1111 Opposition
7	1122	08/07/2006	Opposition - filed on behalf of Official Committee of Executory Contract Holders of USA Commercial Mortgage Company, re: #903 - Motion for Relief from Stay, filed by Creditor Standard Property Development, LLC
8	1123	08/07/2006	Declaration - filed on behalf of Official Committee of Executory Contract Holders of USA Commercial Mortgage Company, re: #1122 Opposition
9	1133	08/10/2006	Joinder, with Certificate of Service - filed on behalf of Direct Lenders-Beneficiaries, re: #1122 Opposition
10	1134	08/10/2006	Joinder, with Certificate of Service - filed on behalf of Direct Lenders-Beneficiaries, re: #1111 Opposition

<u>Item</u>	<u>Docket Number</u>	<u>Date Filed</u>	<u>Pleading</u>
11	1142	08/14/2006	Supplemental Affidavit of George Venturella in Support of Standard Development Property LLC's Motion for Relief from Automatic Stay, with Certificate of Service - filed on behalf of Standard Property Development, LLC
12	1144	08/15/2006	Reply, with Certificate of Service of Standard Property Development to Opposition to Motion for Relief from Automatic Stay - filed on behalf of Standard Property Development, LLC
13	1147	08/15/2006	Joinder to Standard Property Development's Motion for Relief from Automatic Stay - filed on behalf of Albright, Stoddard, Warnick & Albright
14	1701	10/30/2006	Order Denying Motion For Relief From Automatic Stay, re: #903 - Motion for Relief from Stay, filed by Creditor Standard Property Development, LLC
15	1745	11/07/2006	Notice of Appeal - filed on behalf of Standard Property Development, LLC
16	1793	11/06/2006	Transcript of Hearing held on October 19, 2006 on the Motion for Relief from Stay filed on behalf of Standard Property Development, LLC
17	1799	11/15/2006	Amended Chapter 11 Plan (Third Amended Chapter 11 Plan of Reorganization) - filed on behalf of USA Capital Diversified Trust Deed Fund, LLC, USA Capital First Trust Deed Fund, LLC, USA Capital Realty Advisors, LLC, USA Commercial Mortgage Company, USA Securities, LLC
18		11/16/2006	This Designation of Contents for Inclusion in Record on Appeal and Statement of Issues on Appeal

## **II. STATEMENT OF ISSUE ON APPEAL**

The issue to be raised on appeal is whether the Bankruptcy Court erred in denying the Appellant's Motion for Relief from Automatic Stay.

Respectfully submitted,

/s/ Andrew M. Brumby

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